

UNITED STATES DISTRICT COURT  
DISTRICT OF EASTERN MASSACHUSETTS

FILED  
CLERKS OFFICE  
2005 APR 19 P 3:06

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DENNIS J. SOLOMON, Plaintiff pro se

v.

Civil No: 04-12499WGY

CHARLES VEST,  
et al., Defendants

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**PLAINTIFF'S REQUEST FOR CORRECTION OF THE ORDER OF MARCH  
28, 2005 DISMISSING THE PRESENT CASE**

The Plaintiff, Dennis J. Solomon, respectfully requests that this Court correct and vacate its order of March 28, 2005 dismissing this action as to all Defendants due to clerical errors in communication between the Plaintiff and the Clerk of this Court.

**BACKGROUND**

On or about February 28, 2005 by U.S. Mail, I received a copy this Court's order of 2/25/05 attached as Exhibit 1, which I understood to grant MIT's motion to dismiss of 2/15/05. I timely filed a Plaintiff's Request for Reconsideration dated 3/9/05 including a request that a hearing on the motion for reconsideration, if granted, be scheduled after 4/16/05 due to a long-planned family trip. Shortly thereafter, I received a message from the clerk of the Court regarding the Motion to Reconsider. During the

following week, we exchanged messages and held a substantive conversation in which I explained my interpretation that the Order of 2/25/05 dismissed MIT, cancelled that the scheduled hearing, and that I was requesting a rescheduling on the motion for reconsideration to a date after 4/16/05. The clerk explicated stated that she "would place on note" on the Judge's desk for clarification and would leave a message if my interpretation was incorrect. I did not receive any subsequent message.

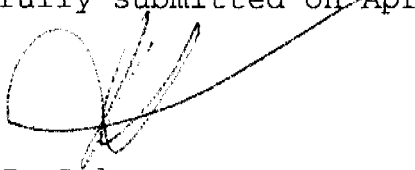
#### **DISCUSSION**

This Court represents a critical means for the redress of the allegations in this case - allegations of serious unlawful activities which threatened the safety of all Americans. As a plaintiff in the Massachusetts or Federal courts, I have attempted to diligently prosecute the complaint to the limit of my resources and knowledge. In almost all cases, I have been timely and, to the best of my recollection, have never missed a hearing before. In fact, I welcome to opportunity to personally present the evidence and persuade the jury, (and the Court) of the dire necessity of action. A clerical misunderstanding should not be the deciding factor.

Additionally, the causes of action alleged, though in certain cases requiring improved presentation, have occurred with the three-year statute of limitation of common law torts, and the six-year limitation of contracts. Re-filing would only unnecessarily burden the Court and the defendants, most of whom have been served with notice of the litigation.

Therefore, I respectfully request that this Court vacate its decision dismissing this action as to all defendants.

Respectfully submitted on April 18, 2005.

A handwritten signature in black ink, appearing to be 'Dennis J. Solomon', written over a horizontal line.

Dennis J. Solomon  
PO Box 289  
Yarmouth Port, MA 02675  
508 394 9221

cc: [illegible]

CERTIFICATE OF SERVICE: I certify that I served a copy of this document upon all the responsive Defendants by first class or electronic mail as agreed by the parties on April 18, 2005.

**EXHIBIT 1**

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was received from Smith, Bonnie entered on 2/28/2005 at 7:32 AM EST and filed on 2/25/2005

Case Name: Solomon v. Vest et al

Case Number: 1:04-cv-12499

Filer:

Document Number:

Docket Text:

Judge William G. Young : Electronic ORDER entered denying [8] Motion to Strike [10] Treating this as an assent to MIT's motion Granting MOTION Pursuant to Fed. R. Civ. P. 5(c), (Smith, Bonnie)

The following document(s) are associated with this transaction:

1:04-cv-12499 Notice will be electronically mailed to:

Kara A. Krolikowski    kkrolikowski@palmerdodge.com

Jeffrey Swope    jswope@palmerdodge.com

1:04-cv-12499 Notice will not be electronically mailed to:

Dennis J. Solomon

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